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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,837	03/08/2004	Gary A. Isaacson JR.	004-04	2486

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EXAMINER

CHIN, PAUL T

ART UNIT PAPER NUMBER

3652

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,837

Applicant(s)

ISAACSON, GARY A.

Examiner

PAUL T. CHIN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7,8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7,8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's amendment filed March 7, 2005 and the arguments presented therewith have been carefully considered and they are persuasive in light of the amended claims. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Haidet (4,834,438) and Goldman (6,311,346) (see PTO-892), and further in view of Garelo (4,116,374). Note that applicant cancels claim 9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7,8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haidet (4,834,438) in view of Goldman (6,311,346) (see PTO-892).

Haidet (4,834,438) discloses a lifting and transport assembly for lifting and transporting a heavy circular object or article comprising:

(a) a main strap assembly (30) for circumscribing at least a portion of the circular article, said main strap assembly including a generally rigid main strap having spaced semicircular shaped, apart extremities;

(i) gripping means having gripping rings (42,44) (Fig. 1) affixed to said spaced apart extremities of said main strap for gripping said main strap assembly,

(ii) first adjustment means (46) or a first loop and a second adjustment means (48) or a second loop for adjusting the length of the main strap (30),

(c) first and second spaced apart side straps (32,34) connected to said main strap for engaging the sides of the article, each said first and an upper end portion and a lower end second side strap having portion; and

(d) a bottom strap (38) (Fig. 1) spanning said first and second spaced apart side straps for engaging the bottom of the article, said bottom strap being connected to said side straps proximate said lower end portions thereof. Haidet's lifting device (4,834,438) does not show a generally semicircular shaped and deformable rubber cushioning inner component and a generally semicircular-shaped plastic component. However, Goldman (6,311,346) discloses show a generally semicircular shaped and deformable cushioning inner component (200) (Col 2, lines 57-63) and a rubber foam (Col 2, lines 39-43) attached to a strap (10). Accordingly, it would have been obvious to those skilled in the art to provide a generally semicircular shaped and deformable cushioning inner component and a rubber foam on the main strap (30) of Haidet (4,834,438) as taught by Goldman (6,311,346) to prevent from damaging the outer surface of the circular article. Note that Haidet's lifting device (4,834,438) does not show that the semi-circular-shaped main strap is deformable. Accordingly, it would have been obvious to those skilled in the art to provide the material selection of deformable but strong materials (such as leather or polyurethane or polymer to replace a rigid strap) on the Haidet's lifting device (4,834,438) to facilitate to wrap around the outer surface of the article and to provide more flexibility to a user or lifter.

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4. Claims 10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haidet (4,834,438) and Goldman (6,311,346), as applied to claims 7 and 11, and further in view of Garelo (4,116,374).

The modified Haidet's lifting device (4,834,438), as presented in section 3 above, does not show a generally D-shaped gripping rings and gripping handles adjustably interconnected with the gripping rings (see Figs. 1-4). Garelo (4,116,374) teaches a generally D-shaped gripping rings (56,62) and gripping handles (55) having cylindrical shape adjustably (rotatably) interconnected with the gripping rings (see Figs. 1-4). Accordingly, it would have been obvious to those skilled in the art to provide the D-shaped gripping rings (64) in combination with a cylindrical shaped handle (54) on the main strap (30) of the Haidet's lifting device (4,834,438) as taught by Garelo (4,116,374) to provide a stronger lifting force to heavier article.

Re claim 14, the modified Haidet's lifting device (4,834,438) does not show that the structural dimension of the rubber inner component is *about 6 inches* in width. Goldman (6,311,346) discloses show a generally semicircular shaped and deformable rubber foam (Col 2, lines 39-43) (having the width of 3 ¼ inches) attached to a strap (10). Note that Goldman (6,311,346) also teaches that the cushion pad can be of different shapes or sizes to accommodate the article (see Col 2, lines 60-63). Accordingly, it would obvious to those skilled in the art to provide the width (about 6 inches) of the deformable cushioning inner component on the main strap (30) to prevent from damaging the outer surface of the lifted article and also to provide a stronger friction between the contacted surfaces.

Response to Arguments

5. Applicant's arguments with respect to claims 7,8, and 10-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Applicant's amendment (the addition of new limitations in the claims 7,8,10,11, and new claims 13 and 14) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (571) 272-6922. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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